

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL PEACE,
Plaintiff,
v.
850 BRYANT STREET, et al.,
Defendants.

Case No. [19-cv-04691-SI](#)

**ORDER EXTENDING DEADLINE FOR
AMENDED COMPLAINT AND
DENYING REQUEST FOR COUNSEL**

Re: Dkt. No. 9

Plaintiff has filed a request for an extension of the deadline to file his amended complaint. Upon due consideration, the request is GRANTED. Docket No. 9. Plaintiff must file his amended complaint no later than **January 10, 2020**. Failure to file the amended complaint by the deadline will result in the dismissal of this action.

In that same request, plaintiff asked that counsel be appointed to represent him in this action. A district court has the discretion under 28 U.S.C. § 1915(e)(1) to designate counsel to represent an indigent civil litigant in exceptional circumstances. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). This requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *See id.* Neither of these factors is dispositive and both must be viewed together before deciding on a request for counsel under § 1915(e)(1). Exceptional circumstances are not present at this time because plaintiff has not yet submitted a pleading that states a claim, let alone one that suggests any likelihood of success on the merits. Plaintiff's request for appointment of counsel to represent him in this action therefore is DENIED. Docket No. 9.

IT IS SO ORDERED.

Dated: December 3, 2019



SUSAN ILLSTON
United States District Judge